Office Supreme Court U.S.
FILED
MAY 17 1902
JAMES H. McKENNEY,
Clerk.

No. 320

Motion to Dismiss or Affirm

In the Supreme Court

Filed May 17, 1902.

OF THE

UNITED STATES.

The Equitable Life Assurance Society of the United States.

Plaintiff in Error.

v.

Cecil Brown, Administrator of the Estate of David B. Smith, Deceased.

Defendant in Error.

Error to the Supreme Court of the Territory of Hawaii.

MOTION TO DISMISS AND AFFIRM

BY

CECIL BROWN,

Administrator of the Estate of David B. Smith, Deceased, in propria persona.

HONOLULU:
GAZETTE PRINT,
1902.

IN THE

Supreme Court of the United States

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES,
PLAINTIFF IN ERROR,

v.

CECIL BROWN, ADMINISTRATOR OF THE ESTATE OF DAVID B. SMITH, DECEASED,
DEFENDANT IN ERROR.

MOTION TO DISMISS AND AFFIRM.

Comes now the Defendant in Error herein, and moves the Court to dismiss the Writ of Error in the above-entitled cause for want of jurisdiction because the Assignment of Errors presents no federal question for the consideration of the Court, and because the alleged errors assigned are frivolous.

And the said Defendant in Error, also moves the Court to affirm the said judgment from which the said Writ of Error

purports to have been taken, because, although the record in the said cause may show that this Court has jurisdiction in the premises, yet it is manifest that the said Writ of Error was taken for delay only.

CECIL BROWN,

Administrator of the Estate of David B. Smith, deceased, Defendant in Error pro se.

Honolulu, T. H., April 24, 1902.

IN THE

Supreme Court of the United States

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES,
PLAINTIFF IN ERROR.

v.

CECIL BROWN, ADMINISTRATOR OF THE ESTATE OF DAVID B. SMITH, DECEASED,
DEFENDANT IN ERROR.

NOTICE OF MOTION TO DISMISS AND AFFIRM.

To MESSRS. F. M. HATCH AND R. D. SILLIMAN,
Counsel for Plaintiff in Error.

Please take notice that on Monday, the 9th day of June, 1902, at the opening of the Court, or as soon thereafter as counsel can be heard, the motions of which copies are hereto attached, will be submitted to the Supreme Court of the United States for the decision of the Court thereon.

Annexed hereto is a copy of the brief of argument to be submitted with the said motions in support thereof.

CECIL BROWN,

Administrator of the Estate of David B. Smith, deceased, Defendant in Error pro se.

Honolulu, T. H., April 24, 1902.

Due service of the foregoing notice, motion and brief by copy is hereby admitted at Honolulu, Territory of Hawaii, this 26th day of April, 1902.

F. M. HATCH AND
R. D. SILLIMAN,
Attorneys for Plaintiff in Error.